

# FORESTRY

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## BURNING PERMITS

### 1. Types of Activities Regulated

- A. Burning in Forested Areas: During the forest fire season (May 1st - September 30th, or as extended), a permit is required from the recognized protection agency for the area (county, state or federal) to ignite a forest fire, slash-burning fire, land-clearing fire, debris-burning fire or an open fire on forest lands. A permit is not required in a designated, improved campground.
- B. County Permits: The county governing body may establish its own fire seasons each year and require an official written permit or permission to ignite a fire, including a slash-burning, land-clearing, debris-burning or open fire within the county protection area on any residential or commercial property, forest land, range land or cropland. Permission is not needed for recreational fires measuring less than four feet in diameter that are surrounded by a nonflammable structure and for which a suitable source of extinguishing the fire is available.
- C. Air Quality Permits for Burning: Air quality permits for major burns (open burning of approximately 100 acres in a given year) are required from the Montana Department of Environmental Quality (DEQ). All open burners, major and minor, must comply with restrictions issued from September 1st through November 30th on the Ventilation Hotline (1-800-225-6779) or at the Monitoring Unit's web site at <http://smokemu.org>. Open burning is prohibited by the DEQ from December through February. See AIR QUALITY PERMITS, p. 33.

The DEQ may issue conditional air quality open burning permits for certain materials, including clean untreated wood waste at landfills and industrial sources, as well as the burning of prohibited materials for the training of firefighters, or open burning in emergency situations, if certain departmental requirements described in ARM 17.8.611-17.8.612 are followed.

Statute: 7-33-2205, MCA (county permits)  
76-13-121, MCA (burning in forested areas)

Rule: ARM 17.8.601, *et seq.* (air quality permits)

Contact: DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Land and Unit Offices (see APPENDIX 2), or

Forestry Division  
*Fire and Aviation Management Bureau*

U.S. DEPARTMENT OF AGRICULTURE  
Forest Service  
*Forest Supervisor*

BOARD OF COUNTY COMMISSIONERS

DEPARTMENT OF ENVIRONMENTAL QUALITY  
Permitting and Compliance Division  
*Air Resources Management Bureau*

## 2. **Fees**

Air quality open burning permit fees are calculated by the DEQ. Contact the Air Resources Management Bureau.

Rule: ARM 17.8.514

## **CABIN SITES**

### 1. **Types of Activities Regulated**

Leases for cabin sites on state forest lands may be obtained from the Montana Department of Natural Resources and Conservation (DNRC). The department charges a fee based on full market value. The DNRC rules govern the use and maintenance of these sites.

Statute: 77-1-208, MCA

Rule: ARM 36.11.101

Contact: DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Trust Land Management Division  
*Real Estate Management Bureau*

## HAZARD REDUCTION

### 1. Types of Activities Regulated

Before conducting any timber cutting or timber stand improvements on private lands or right-of-way clearing on private forest lands, the person conducting the work must be issued an exemption certificate or enter into a fire hazard reduction agreement with the Department of Natural Resources and Conservation (DNRC), except where a minimum slash hazard exists. Exemption certificates are issued for lands that are within the exterior boundary of an incorporated town and release the applicant from the requirements for slash and hazard reduction. Applicants entering into fire hazard reduction agreements must pay administrative fees and post a bond to cover the potential cost to the DNRC in case of default of abatement measures. The department will issue a certificate of clearance and return the bond when the fire hazard has been appropriately reduced and the agreement for reduction of fire hazard has been executed. The DNRC must be notified at least 10 days prior to any clearing for right-of-way.

Statute: 76-13-401 through 76-13-415, MCA

Rule: ARM 36.11.221-36.11.232

Contact: DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Land and Unit Offices (see APPENDIX 2)

Forestry Division  
*Forestry Assistance Bureau*

## STREAMSIDE MANAGEMENT ZONES

### 1. Types of Activities Regulated

While no permit is required to conduct forest practices in streamside management zones, special management standards do apply within and to varying widths on either side of a stream, lake or other water body. The practices of broadcast burning, clearcutting, road construction (except when necessary to cross a stream or wetland), the operation of vehicles, use of hazardous or toxic materials and the deposition of slash or sidecasting of road materials are prohibited, except as provided for by alternative practices approved by the Montana Department of Natural Resources and Conservation.

Statute: 77-5-301 through 77-5-307, MCA

Rule: ARM 36.11.302-36.11.313

Contact: DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Forestry Division  
*Forestry Assistance Bureau*

## **TIMBER CONSERVATION LICENSE**

### **1. Types of Activities Regulated**

The Montana Department of Natural Resources and Conservation (DNRC), under the direction of the Board of Land Commissioners, may issue a timber conservation license in lieu of the sale of timber on state trust lands (see TIMBER SALES, p. 60). The successful applicant for a license must furnish a surety bond and pay fees for forest improvement. Fees are not assessed on Morrill Act trust lands.

Statute: 77-5-204 and 77-5-208, MCA

Contact: DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Trust Land Management Division  
*Forest Management Bureau*

### **2. Application Requirements**

During the environmental review process (see MONTANA ENVIRONMENTAL POLICY ACT, p. 123) for a proposed timber sale, the applicant for a timber conservation license must submit a written request to the DNRC to defer the sale or a portion of the sale. If the request is not received before the completion of the review process, the department may not issue a license.

### **3. Permitting Procedures**

Once the DNRC receives a written request, it will prepare the sale for consideration by the Board using the alternatives of the sale with and the sale without the timber conservation license. The DNRC will solicit bids for each alternative to ensure that full, fair market value for the sale is secured.

## TIMBER HARVESTS/BEST MANAGEMENT PRACTICES

### 1. Types of Activities Regulated

Timber owners and operators must notify the Montana Department of Natural Resources and Conservation (DNRC) prior to conducting a forest practice. Forest practices include timber cutting, road construction or reconstruction, site preparation, reforestation or management of logging slash.

Within five working days of receiving notification of a forest practice, the DNRC will provide the operator with information on forestry Best Management Practices (BMPs) and issue a notice that the forest practice may proceed or request an onsite consultation. The DNRC encourages the use of BMPs to protect and conserve water, range, soil and forest resources.

Statute: 76-13-101 and 76-13-420 through 76-13-424, MCA

Contact: DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Forestry Division  
*Forestry Assistance Bureau*

## TIMBER SALES

### 1. Types of Activities Regulated

Timber sales on state forest lands are administered by the Montana Department of Natural Resources and Conservation (DNRC) and final approval is granted by the Board of Land Commissioners. Timber or forest products on state trust lands may be sold by a stumpage or lump-sum method or marketed through the state's contract harvesting program.<sup>1</sup> See also TIMBER CONSERVATION LICENSE, p. 59.

Permits may be issued by the DNRC for the removal of green or salvage timber from state forests, without advertising the sale, to Montana citizens for commercial cutting, at commercial rates, in quantities **less than 100,000 board feet**, and in cases of emergency because of fire, insect, fungus, parasite or blow-down or to address forest health, in quantities less than 200,000 board feet.

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<sup>1</sup> Under a contract harvest, the state pays a contractor to conduct the timber removal but then markets and sells the products. Senate Bill No. 25 (2007) authorized the DNRC to conduct several contract harvesting pilot programs in 2008 with the goal of further implementing the program in 2009.

For **sales in excess of the above limits**, the sales must be advertised and competitively bid.

If the timber is on county forests, a permit is required from the Board of County Commissioners. Both the Bureau of Land Management and the U.S. Forest Service require permits for fuel wood and Christmas tree cutting on BLM lands and national forest lands.

Statute: 7-8-2608, 7-8-2609 and 77-5-201 through 77-5-223, MCA

Contact: DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Trust Land Management Division  
*Forest Management Bureau*

BOARD OF COUNTY COMMISSIONERS

U.S. DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
*Resource Area or Field Office*

U.S. DEPARTMENT OF AGRICULTURE  
Forest Service  
*Forest Supervisor*

## 2. Application Requirements

To apply for a timber permit for quantities **less than 100,000 board feet**, or in cases of emergency because of fire, insect, fungus, parasite or blow-down or to address forest health, in quantities less than 200,000 board feet, a person must submit an application to the DNRC Office that is responsible for the management of the state land where the proposed sale is located (see APPENDIX 2 for the locations of regional offices). The applicant must also mark the area of the proposed sale with ribbon and designate the roads that will be used for timber removal on an approved map.

Timber proposed for sale **in excess of 100,000 board feet** must be advertised in a newspaper in the county in which the timber is located for at least 30 days, during which time the DNRC may receive sealed bids up to the hour of the bid closing. In cases of emergency due to fire, pest or blow-down, or in cases when the DNRC must act immediately to take advantage of access granted by permission of an adjoining landowner, a sale of up to one million board feet may be advertised for not less than 10 days. In cases when the DNRC must act immediately to take advantage of access granted by permission of an adjoining landowner and there is only one potential buyer with legal access, the department may negotiate a sale of

timber not in excess of one million board feet without offering the timber for bid if the sale is for fair market value. On the award of sale, the purchaser must execute a formal agreement, approved by the Board, which describes the area where the timber is to be cut, the approximate quantity to be cut, by species, and the rate for each product of each species.

All timber permits require proof of vehicle liability insurance and \$1 million in commercial general liability insurance naming the state of Montana as an additional insured. For sales under 30,000 board feet, a performance bond of \$1,000 is required. For sales of 30,000 board feet or more, the performance bond is 5% of the estimated value of the timber sold.

Statute: 77-5-201, *et seq.*, MCA

### 3. Fees

Timber or other forest products removed from state land must not be sold for less than fair market value. The minimum value is appraised under the direction of the DNRC and approved by the Board of Land Commissioners. The Board also approves fees for forest improvement on state lands. Contact the DNRC for fee amounts.

Statute: 77-5-204, MCA

### 4. Additional Information

A detailed bill of sale is required before more than five coniferous trees may be transported over state highways. Also, transportation of more than 200 pounds of boughs from coniferous trees requires written authorization of the owner of the boughs.

Statute: 76-13-601, MCA